

# TRANSPAC Transportation Partnership and Cooperation

Clayton, Concord, Martinez, Pleasant Hill, Walnut Creek and Contra Costa County  
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The Honorable Jon Rubin, Chair  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, California 94607

May 24, 2005

Dear Chair Rubin:

In February 2005, TRANSPAC, the Regional Transportation Planning Committee for Central Contra Costa, sent a letter (copy enclosed) to then MTC Chair Kinsey expressing serious concerns about MTC's Transportation and Land Use Platform. At its May 12, 2005 meeting, TRANSPAC had a lengthy discussion with James Corless of your staff regarding MTC's Draft Transit Oriented Development (TOD) Policy for Resolution 3434 projects which evolved from the Transportation and Land Use Platform discussions.

As you may be aware, TRANSPAC, in concert with the Contra Costa Transportation Authority (CCTA), has followed this issue closely. TRANSPAC's jurisdictions are generally supportive of the goals of transit oriented development but remain concerned about MTC's role in the land use planning development process and its possible use of a regional funding hammer to meet stringent development thresholds. While TRANSPAC understands that MTC presumes that TOD enhances communities, the collective experience of TRANSPAC's jurisdictions does not support the idea that market forces can be manipulated regardless of a desire to change land use patterns.

While TRANSPAC still believes that MTC should not have any local land use authority, which should remain the province of directly elected county and city representatives, TRANSPAC acknowledges that MTC has addressed a number of our issues in its attempt to craft a TOD policy to foster transit ridership. TRANSPAC is also pleased to note that MTC has revised its perceived "one size fits all" approach and has proposed significantly lower corridor thresholds to be averaged over a type of transit corridor. However, TRANSPAC believes that, given the character of many local communities, the thresholds are still too high for many communities to meet within the required half-mile station radius. The focus on the immediate half-mile radius also seems overly stringent. A review of BART's ridership origins should clearly indicate the corridors that are used on a by-station basis. This information should be used as part of MTC's assessment of ridership generation in the development of a reasonable and achievable TOD policy.

TRANSPAC suggests that the use of planning factors, rather than specific land use designations and companion zoning within the half-mile radius may be more amenable to market forces. Another approach might be to offer financial incentives to achieve TOD goals rather than to penalize the residents and employers of a transportation corridor based on the poor or non-participation of a single jurisdiction. It might also have been helpful to provide guidance on how to resolve jurisdictional land use conflicts at "borders" and how to ensure that development rewards devolve to all jurisdictions in the planning process.

While we appreciate that MTC is working with BART to "harmonize" the respective TOD policies of each agency, the application of MTC's land use policies to the eBART project in Eastern Contra Costa is a serious concern. Regional Measure 2 (RM2) with its requirement for the application of BART's land use policies was approved by the voters in March 2004. In May 2005, MTC released its draft TOD policy without the same level of public notification as the RM2 ballot measure and requires, with no exceptions, the application of another level of land use policies to the eBART project as well as the other Resolution 3434 projects. We respectfully suggest that the world has continued to rotate in the intervening year and that a better course of action might have been to support the BART/local jurisdiction/CCTA planning process already underway in East County, rather than insist on the application of MTC's policies on top of BART's requirements.

As you may surmise, TRANSPAC is an ardent supporter of the eBART project in Eastern Contra Costa. eBART is a critical component of congestion relief in Central Contra Costa and its construction is important to thousands of commuters. As a result, TRANSPAC is concerned about the feasibility of the marketability study completed for eBART. And as stated at our meeting, TRANSPAC believes there needs to be an up-to-date, in-depth analysis of the marketability of the required threshold development in the eBART corridor. The market operates on its own timetable and development evolves into its own time. Sound development practice demands up-to-date information.

It was also noted at our meeting that in some communities, residents have objected to Council-approved high-density development and have successfully initiated referenda to overturn local jurisdiction approvals. In addition, we noted some environmental organizations also have actively opposed higher density developments in urbanizing East County locations. MTC's draft TOD policy does not provide guidance or assistance in how these kinds of situations can be resolved. We suggest that MTC must acknowledge that citizen voices and the ballot box still rule. While TRANSPAC understands MTC's need to generate transit ridership, the TOD policy, at a minimum, needs to incorporate local concerns and should be vetted and tested by development professionals before it is implemented to ensure that transit projects do not become victims of "unintended consequences" and are able to effectively respond to market forces.

Neither the CCTA nor TRANSPAC received a specific response to our respective letters and some of the issues raised in those letters remain unaddressed. We request that MTC respond to the specific points raised in each letter so that we can assure our constituents that their voices have been heard at the regional level. We look forward to continuing this important dialogue with MTC.

Sincerely,



Charlie Abrams,  
Chair

cc: TRANSPAC Representatives  
TRANSPLAN Representatives









Janet Abelson, Chair, Contra Costa Transportation Authority  
Pat Anderson, City of Oakley, Chair, Mayors' Conference  
Federal Glover, Chair, Contra Costa Board of Supervisors  
Scott Haggerty, President, Association of Bay Area Governments  
Marland Thomson, Chair Bay Area Air Quality Management District  
Mark DeSaulnier, Contra Costa County MTC Representative  
Irma Anderson, Contra Costa Cities MTC Representative  
Gwen Regalia, City of Walnut Creek, ABAG  
Bob McCleary, Executive Director, Contra Costa Transportation Authority  
Steve Heminger, Executive Director, MTC  
Therese McMillan, Deputy Director, Policy, MTC  
James Corless, Senior Planner, MTC  
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